

**SENTENCING HEARING AND HEARING ON DEFENDANT'S****NOTICE FILED AT DOCKET NUMBER 66****DATE: April 11, 2019****CASE CAPTION: USA v. Jason Rosales****CASE NUMBER: 3:17cr24****Plaintiff's Attorneys: AUSA, Sheila Lafferty and Amy Smith****Defendant's Attorney: Anthony VanNoy****Probation Officer: Amy Shamp**

Conference held in conference room with counsel for defendant, government counsel, and Court Reporter.

Conference concluded.

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Conference concluded.

Court convened.

Defendant appeared with counsel.

Statement by the Court. Dialogue between the Court and counsel for defendant. Further statement by the Court.

Statement by counsel for defendant as to objections to the PSI. Dialogue between the Court and government counsel.

Objection numbered 8, with regard to paragraph 11, is taken under advisement by the Court. Further statement by counsel

for defendant as to objections to the PSI. Dialogue between the Court and counsel for defendant. Government counsel

made statement. Dialogue between the Court and government counsel. Statement by the Court.

PL	DF	Item	Attorney	Exam	Time	Exhibit		
						Identified	Offered	Admitted
	X	Defendant Jason Rosales called to testify - Witness sworn in by Courtroom Deputy - Questioning by the Court - No further questions	VanNoy	Direct	2:04 2:04 2:14 2:15			
		Questioning by the Court			2:16			
X		Defendant Jason Rosales - No further questions	Lafferty	Cross	2:17 2:25			
	X	Defendant Jason Rosales - No further questions	VanNoy	Redirect	2:25 2:26			
X		Defendant Jason Rosales - No further questions - No further questions by counsel for defendant - Questioning by the Court - Witness dismissed	Lafferty	Recross	2:27 2:33 2:33 2:34 2:34			

PL	DF	Item	Attorney	Exam	Time	Exhibit	Identified	Offered	Admitted
X		Leah Gezinski, witness called to testify - Witness sworn in by Courtroom Deputy - No further questions - Questioning by the Court - Dialogue between the Court and government counsel	Lafferty	Direct	2:35  2:35  2:48 2:48  2:48				
	X	Leah Gezinski, witness - Questioning by the Court - No further questions	VanNoy	Cross	2:49 3:00  3:04				
X		Leah Gezinski, witness - Government Exhibit 12 - No further questions	Lafferty	Redirect	3:04 3:05  3:13	X			
	X	Leah Gezinski, witness - No further questions	VanNoy	Recross	3:13 3:16				
		Bench conference held - Conference concluded			3:16 3:17				
X		Leah Gezinski, witness - Government Exhibit 12A - No further questions	Lafferty	Redirect	3:17 3:20  3:23	X			
	X	Leah Gezinski, witness - No further questions	VanNoy	Recross	3:23 3:24				
X		Leah Gezinski, witness - No further questions - No further questions by counsel for defendant - Questioning by the Court - No follow up questions by government counsel	Lafferty	Redirect	3:24 3:24 3:25  3:25  3:27				
	X	Leah Gezinski, witness - No further questions - Witness dismissed	VanNoy	Recross	3:27 3:28 3:28				

PL	DF	Item	Attorney	Exam	Time	Exhibit	Identified	Offered	Admitted
		No further witnesses by government counsel or counsel for defendant			3:28				

Dialogue between the Court and government counsel.

Government counsel read sidebar portions of transcript of July 18, 2018 into record. Dialogue between the Court and government counsel. The Court finds that none of the bench conferences were prejudicial to the defendant if they were overheard by the jurors. Dialogue between the Court and government counsel. Dialogue between the Court and counsel for defendant. Statement by counsel for defendant. Dialogue between the Court and counsel for defendant. The Court states it will not allow re-trying of the case. Statement by the Court. Statement by counsel for defendant. Statement by the Court. Dialogue between the Court and government counsel. Statement by the Court. The Court finds that none of the bench conferences were prejudicial to the defendant. The Court finds that the past criminal record was on the computer and shown to the jury has not been proven beyond a preponderance or greater weight of the evidence. The Court declines to hold a hearing in Judge Rose's Courtroom. The pro se Motion for New Trial is overruled on the ground of timeliness and the specific allegation unproven.

Dialogue between the Court, government counsel, and counsel for defendant.

Conference held with counsel for defendant, government counsel, and Court Reporter.

Conference call set for **Monday, April 29, 2019 at 4:15 p.m.**

  X   Remanded to the Custody of the United States Marshal.

COURT REPORTER: Caryl Blevins

CONVENED: 1:04/1:40/1:46/4:08

DEPUTY CLERK: Tisha Parker

RECESSED: 1:20/1:44/4:04/4:10